

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No. CV 06-7446 CAS (CWx) Date September 4, 2008

Title JAYENDRA A. SHAH v. COUNTY OF LOS ANGELES

Present: The Honorable CHRISTINA A. SNYDER

Catherine Jeang Not Present N/A

Deputy Clerk Court Reporter / Recorder Tape No.

Attorneys Present for Plaintiffs: Attorneys Present for Defendants:

Not Present Not Present

Proceedings: (In Chambers) Plaintiff's Motion to Tax Costs (filed 8/11/2008)

The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing date of September 8, 2008, is hereby vacated, and the matter is hereby taken under submission.

I. INTRODUCTION AND BACKGROUND

Plaintiff filed the instant lawsuit against defendants alleging that the County of Los Angeles ("the County") and its employees, Charles Stewart, M.D., and Stephen Morris, discriminated against him on account of his race and/or national origin, and that they have retaliated against him in response to his criticizing the standard of medical care provided by the County. By order dated July 1, 2008, this Court granted summary judgment in favor of defendants. On that same day, the Court entered judgment in favor of defendants, and ordered that defendants were to recover their reasonable attorneys' fees.

On July 15, 2008, defendants filed an application to the clerk to tax costs against plaintiff. On July 25, 2008, plaintiff filed objections to the application to the clerk to tax costs. A reply application was filed by the County on July 28, 2008. On August 6, 2008, costs were taxed in the amount of \$6,912.86 in favor of defendants.

On August 11, 2008, plaintiff filed the instant motion to tax costs, which the Court construes to be a motion for reconsideration of the clerk's award of costs to defendants. On August 12, 2008, the Court took plaintiff's motion under submission and ordered that no further briefing be filed. After carefully considering the plaintiff's arguments, the Court finds and concludes as follows.

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II. DISCUSSION

Local Rule 7-18 sets forth the bases upon which this Court may reconsider a previous order. The Rule provides as follows:

A motion for reconsideration of the decision on any motion may be made only on the grounds of (a) a material difference in fact or law from that presented to the Court before such decision that in the exercise of reasonable diligence could not have been known to the party moving for reconsideration at the time of such decision, or (b) the emergence of new material facts or a change of law occurring after the time of such decision, or (c) a manifest showing of a failure to consider material facts presented to the Court before such decision. No motion for reconsideration shall in any manner repeat any oral or written argument made in support of or in opposition to the original motion.

L.R. 7-18.

Plaintiff has failed to show that there is any new evidence, change in the law, or that this Court failed to consider material facts presented to the Court that would warrant reconsideration in this case. Furthermore, plaintiff raises no new objections to specific claimed costs that were not raised in his July 25, 2008 objections. Plaintiff was not the prevailing party in this action, and has had ample opportunity to litigate his claims. Therefore, reconsideration of costs is inappropriate.

For the forgoing reasons, the Court DENIES plaintiff's motion to tax costs.

IT IS SO ORDERED

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Initials of Preparer

CMJ